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12

The Rio Declaration on Environment And Development: An Assessment

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TWN
Third World Network

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Penang, Malaysia

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Note

This is part of a series of Third World Network papers written in 1992 that assessed the key outcomes of the United Nations Conference on Environment and Development (UNCED) that was held in Rio de Janeiro, Brazil on 3-14 June 1992. The UN Conference on Sustainable Development that will take place in June 2012, once again in Rio, is faced with even deeper challenges than those of 20 years ago. Crises are prevalent in every dimension of sustainability - economic, environmental and social. The context and the fundamental causes of the development crisis that framed the 1992 UNCED still prevail today. We find our assessments of the major UNCED outcomes equally relevant today and hope that they can contribute to the 2012 Conference objective of securing “renewed political commitment for sustainable development”.

CHAPTER ONE

INTRODUCTION

THE evolution of the Summit-level United Nations Conference on Environment and Development (UNCED), from its conception as a mainly environment conference to one on environment and development within a North-South context, was perhaps best reflected in the negotiations over the Rio Declaration on Environment and Development.¹ In addition to Agenda 21, the programme of action towards sustainable development at the national and global levels, the Summit adopted the non-legally binding declaration of principles that obtained the highest political endorsement.

At the international level, the Stockholm Declaration, which was adopted by States at the 1972 United Nations Conference on the Human Environment, was the first global document laying down general principles for the management of natural resources and the environment.

However, the global situation has worsened since then. Not only are natural resources being depleted and environmental degradation increased, but in many parts of the South poverty has worsened. The

¹ The writer interviewed delegations, especially from the South, throughout the negotiations of the Declaration. She was an observer in meetings of the Group of 77 and China at the fourth Session of the UNCED Preparatory Committee, 2 March-3 April 1992 in New York, and then a member of the Malaysian delegation in UNCED. Extensive interviews were made with the lead negotiator of the G77 and China, Mr Tariq Hyder of Pakistan, and Malaysian officials who chaired the G77 negotiations before Pakistan. The paper on which this booklet is based was written in 1992 and the context remains as valid today in 2011.

external debt crisis of most Southern countries remains unresolved, and is deepening in many cases. Structural adjustment policies imposed by the World Bank and International Monetary Fund have intensified since the early 1980s, bringing with them further economic, social and environmental upheavals. Transnational corporations have further extended their web over the natural resources, economies and lives of the South. The grip that a few powerful Northern countries have on the Bretton Woods institutions and in international trade continues to be strong. North-South inequities have grown as a result.

Meanwhile, a small number of countries in East and Southeast Asia are recording high economic growth rates and expanding their economies beyond national boundaries. These are increasingly seen as a threat to industrialised countries such as the United States and some European Community States. In the North itself, consumption of natural resources continues to increase, the bulk of which comes from the South and there is severe unemployment in many countries. Hazardous technologies and industries, as they become more regulated in the North, are systematically relocated to the South. New technologies have also emerged, particularly in the field of genetic engineering, where the products of this new biotechnology pose real and potential hazards to the environment, biodiversity and human health. Such was the state of the world when UNCED became the arena for global negotiations on environment and development.

In the late 1980s, growing public pressure and concern over environmental degradation contributed to the United Nations General Assembly initiating an independent body, the World Commission on Environment and Development, chaired by Norwegian Prime Minister Brundtland. The result was the 1987 Brundtland Commission Report, which called for "sustainable development" to be the ethos for the future. Although the global environmental crisis was acknowledged to a large extent, and inter-generational equity

in resource use was emphasised, the main thrust of the report was essentially more conventional economic growth, with technology solving environmental problems. While recognising that growth was necessary for poverty eradication in the South, the report shied away from calling for North-South redistribution of income, and changes in consumption and lifestyles in the North.

Subsequently the UN General Assembly adopted Resolution 44/228 on 22 December 1989 to convene a Heads of State conference to be held in June 1992 in Rio de Janeiro. This time the world community government and citizens' groups gathered in a much bigger force than in Stockholm. It was indeed the efforts of NGOs, particularly from the South, which contributed significantly to transform the UNCED agenda to more clearly address the environment development nexus and the North-South dimensions. Third World Network had the opportunity to work with some key Southern delegations during this period.

It was agreed that a set of principles on general rights and obligations would be the political centrepiece of UNCED. Northern countries such as Canada, Japan, New Zealand and Russia wanted a short and inspirational "Earth Charter". The US also wanted a short document. The emphasis was that as inhabitants of one planet, everyone had individual and collective responsibility to protect the environment. The Canadian delegation at one point said that the document should be something that every child in the world could understand and put at the top of his or her bed.

The Group of 77 and China wanted a declaration that would link the right to development with environmental concerns, while addressing North-South equity issues. They stressed that the causes and responsibilities for overcoming the environmental crisis had to be differentiated between the North and South. The G77 spokesman also stressed that for millions of children in the developing world,

there was no bed over which to hang a poetic charter unless poverty was first eradicated. The South wanted to see development issues receive a “balanced” treatment.

It was in this negotiation group that the concept of “sustainable development” was most debated. While the dilemmas and apparently conflicting objectives of development and environment were also evident in the Agenda 21 negotiations, the fact that the Declaration was a ‘package’ of inter-related principles made it the focus for directly addressing those dilemmas.

The Rio Declaration on Environment and Development which contains 27 principles on the general rights and obligations of states was ultimately adopted, after long, difficult and often heated debate. At the same time, two parallel negotiations on the biological diversity and climate change conventions were completed for signature at the Summit. More significantly but far less publicly, the Uruguay Round negotiations of the General Agreement on Trade and Tariffs (GATT) were also entering a critical stage, with final agreements that threatened to undermine or even negate the UNCED outcome, with its rigorous promotion of almost total liberalisation of Southern economies.

All these negotiations were fraught with tension and conflicts, pressures and compromises. The products which emerged from UNCED were the result of a consensus process, but the process was a reminder, from the start, that we are living in a world where international relations are highly unequal and inequitable. The extent to which Southern countries could assert their positions effectively, the extent to which Northern industrialised countries were willing to also make fundamental changes in their own societies, and the degree to which environmental and social concerns were truly reflected in the outcome of inter-governmental negotiations were central issues in the UNCED process.

This paper traces the negotiating process that produced the Rio Declaration, highlighting the key developments as negotiators battled through weeks, often into the early hours of the morning by the time of the fourth and last Preparatory Committee meeting (2 March to 3 April 1992). That was the most intensive session, as the pressure to resolve fundamental North-South differences reached its height. Indeed, there were many moments when negotiators and NGO observers wondered if the Summit would even see a consensus on the Declaration. A section is also included to provide a background to the evolution of UNCED from the 1972 Stockholm Conference.

CHAPTER TWO

THE PROCESS: FROM CONFLICT TO CONSENSUS

THE General Assembly Resolution 44/228 of December 1989 was the product of the first round of intense negotiations in Nairobi that paved the way for the preparatory process of UNCED. This historic Resolution, which saw the active participation of the South in its drafting, called for an integrated linkage between environment and development, and identified unsustainable consumption and production patterns, especially in the North, as the main cause of environmental degradation. This was a fundamental shift from the initial Northern conceptualisation of the conference, which was essentially one that focused on environmental problems without fundamentally addressing the development dimensions of the South, nor the dominant role of Northern consumption in the environmental crisis. The concept of historical culpability of the North that began with colonialism and led to the current highly inequitable share of consumption by the North was a strong thrust in the framework of principles in Resolution 44/228.

Unfortunately, the role of the private sector, in particular transnational corporations (TNCs), in environmental and social destruction was conspicuously absent from the official agenda. The North was in the process of weakening controls over corporations (especially at the global level) while the South was striving for more direct foreign investment.

Four meetings of the Preparatory Committee (PrepCom), chaired by Ambassador Tommy Koh of Singapore, were held. Working Group

III of the PrepCom was assigned the task of drawing up a consensus agreement on Principles on General Rights and Obligations, later called the Rio Declaration on Environment and Development. Initially, delegations were wary and, as some observers noted, even suspicious of each other. Discussions were often general and non-committal, with a number of key notions and concepts emerging in PrepCom III. For almost two weeks of PrepCom IV, there were numerous procedural deadlocks on the best working methodology. Observers said that these were the result of lack of trust between the South and the North as to the substance that each side wanted to focus on. Substantive negotiations only took off towards the end of the third week (PrepCom IV lasted five weeks). It was interesting to observe the eventual frank North-South dialogue that emerged among the key negotiators from both sides as the discussions took on more dimensions of the reality of the development and environment crises confronting the world, especially the South.

Various formulations were submitted by a number of countries at PrepCom III, but at this point the Group of 77 and China had not arrived at a common position, given the wide range of concerns amongst them. This grouping of developing countries, which represents the vast majority of countries in the world, succeeded in putting forward an agreed text by the middle of PrepCom IV. The G77 and China text included selected proposals of the North and this then formed the basis for the negotiations. The North's responses, including deletions, amendments and substitutions, were incorporated in a compilation text by 21 March 1992.²

² When the G77 and China tabled their proposals, Northern countries strongly supported the introduction of a composite text by the PrepCom Chair which would leave it to the Chair to formulate a draft by capturing the sense of the various proposals. The South feared that this may result in a draft that would be weighted in favour of the North. In contrast, a compilation text left the G77 and China proposals intact, with the proposed changes of other countries indicated in the text. In effect, negotiations flowed from the G77 and China text.

However, progress towards a consensus on the shape and contents of the document was slow, even by the third week of PrepCom IV. Some delegations began to doubt that a declaration would be ready for the Summit, scheduled for June, two months from PrepCom IV.

Northern countries were keen to have a Charter that would be short, poetic and inspirational. The South was initially uneasy with the proposal for a set of principles, largely due to concerns that this may lead to further restrictions or conditionalities on them, in the name of environmental protection. Such a concern over the UNCED initiative was apparent in PrepCom I and II, given that the early drafts of the matrix for Agenda 21 put the environment in the forefront, but underplayed and even omitted crucial aspects of development. The linkages between environment and development, or cross sectoral issues, were weakly set out in some cases and absent in others. Even where the environment agenda was concerned, the spotlight on tropical rainforests and future energy consumption by countries such as China and India strengthened the fears of Southern officials that UNCED would end up curtailing economic growth in the South. Indeed, the tone of the discussions in the early PrepCom meetings was largely one of the North sitting in judgement of the South's environmental record. NGOs and some Southern delegations openly criticised the North for selectively highlighting Southern environmental problems as "global". Many Northern citizens' groups were concerned that the environment and economic crises of the industrialised world (toxic wastes, disappearing old growth/ancient forests, unemployment, etc.) were not included in the sustainable development agenda and debates. NGOs went further to emphasise the stark omission of the role of transnational corporations and the Bretton Woods institutions in environmental and social destruction in the South.

At PrepCom IV, the differences in perception and priorities between the North and the South grew into a chasm over most of the principles proposed by both sides. This was reflected in version after version of

the protracted attempts to reach a consensus. As a Southern delegate remarked, the Rio Declaration negotiation “really is the centre of the political battle of this whole [UNCED] process. The declaration, although unanimously accepted as non-legally binding, has been regarded as one of the most important areas of work ...”

The first round of the impasse was broken when the delegations finally agreed to start their negotiations on the basis of the compilation text based on the G77 and China proposals. An open-ended “informal informal” group was formed to facilitate the negotiations.³ This core group, also called a contact group, comprised a balance of Northern and Southern delegations. The two co-Chairpersons were from India and Norway. It was hoped that a streamlined text would be ready for the plenary session of PrepCom IV in the middle of the last week.

By then PrepCom IV was in its third week. The contact group worked exhaustively over the next ten days and progress was made over seven principles: the right to development (with emphasis on North-South equity); the “polluter pays” principle; environmental impact assessment; the rights of indigenous people; liability and compensation for environmental damage; public participation in environmental management; the precautionary approach to environmental protection; and the setting of environmental standards.

The principles relating to the right to development, the obligation of the industrialised North to bear their proportionate share of the responsibility for the environmental crisis and to deal with unsustainable consumption patterns as well as population control were areas of deep North-South conflict.

³ The usual practice in UN conferences is that delegations meet in plenary, then transform themselves into Working Groups/Committees. To facilitate smooth negotiations, smaller groups are formed which are “informal”. If a further smaller group is necessary, an “informal informal” group is set up. All these try to reflect geographical balance. Open-ended means that even though negotiations are to be made by a smaller group, all delegations can attend as observers.

On 1 April, the PrepCom Chair, Ambassador Tommy Koh, took over the negotiations. The contact group was dissolved, and where there were still areas of impasse, the two co-Chairpersons were authorised to formulate a streamlined text.

Disparity in negotiating strength

Southern delegations were inevitably small and technical support and resource experts were few. They had to cover a large number of small meetings and informal negotiating groups, often occurring simultaneously, where crucial decisions were made. This was particularly visible at PrepCom IV – in many such small groups the key countries from the South were not even present.

Nevertheless there were some outstanding Southern negotiators. The G77 was chaired by Malaysia in 1989/90 which led the crucial negotiations resulting in General Assembly Resolution 44/228, the basis for UNCED. Pakistan was the Chair during PrepCom IV, and Tariq Hyder, who was the spokesman for the Rio Declaration negotiations, was an extremely skilled and effective negotiator. Brazil, India, Iran, Mexico, Malaysia, Mozambique and Tanzania were among the active core group of the G77 and China which worked effectively to hold the Southern group to a united and consistent position.⁴

A number of United Nations officials and Southern diplomats who have witnessed global relations since the early 1970s agreed that this was the first time in many years that the G77 and China showed such solidarity. They were reminded of the spirit of the South during the mid-1970s and early 1980s when the halls of the UN rang with

⁴ By first reaching an internal agreement on a set of principles on general rights and obligations of states, the G77/China succeeded in setting the basis for negotiations. The ability to agree on a group of core negotiators and the continuity of those individuals in their respective delegations also contributed to the unity of the South in maintaining a strong position. Of the final 27 principles, 20 were based on the proposals of the G77 and China.

debates on the New International Economic Order (NIEO) and the Right to Development.

In initial discussions between Third World Network representatives and some Southern delegates, it was remarkable that many of them were almost embarrassed to talk about the NIEO. Others felt that it would be futile to hope for an NIEO, since the 1980s had plunged the least developed countries into greater debt and poverty and in many areas North-South disparities had accelerated.

Meanwhile, the end of the Cold War gave some hope that there would be a Peace Dividend from reduced military spending by the North, which could be channelled to finance the South in meeting its global obligations in the shift to sustainable development under Agenda 21. However, development assistance started to drop following the Rio Summit, and with increasing domestic economic problems in the OECD countries, this trend has not stopped.

In any event, the Rio Declaration negotiations did create an invaluable opportunity for raising the fundamental issues which fuelled the NIEO debate. Delegates could not deny that sustainable development, in the true sense of the word, requires a restructuring of North-South relations (e.g. in trade, finance especially the South's external debt, and foreign direct investments) and that domestic policy changes alone are insufficient. Beyond that, ecological and social imperatives also could not be ignored or set aside while economic growth proceeded. Equally important, global decision-making is no longer excluded from public scrutiny. The unprecedented participation of citizens in the UNCED process, and the relaxation of procedural rules for this UN conference has become a turning point in the UN whereby governments acknowledged the contributions of NGOs, while citizens could witness the positions and interests of their respective governments.

To a considerable extent, the presence and participation of NGOs, especially from the South, tilted the unequal relationship between the North and South. NGOs could articulate the structural inequities of international economic relations and give this dimension equal prominence with ecological and social concerns.

In the Rio Declaration negotiations, the North, which started with a strong environmental agenda (which was skewed in that the selected global problems were predominantly Southern problems), was faced with the South that was concerned with development (especially the poor countries) and apprehensive that environment may turn out to be a new conditionality in international relations.

In an interview with TWN, the G77 spokesman Tariq Hyder said that it was necessary to view the declaration as a package: "When we look at the document it is not whether one line or one word is not in our [respective] national interest. We should ask ourselves: Are we better off with or without the declaration? That is ultimately the way to deal with it."

The result was 27 principles that, according to PrepCom Chair Ambassador Tommy Koh, "form a very delicate balance as a package deal, and any attempt to amend any part of the declaration could unravel the whole package". This was in the early hours of the morning of the final day, when the desire of almost everyone was to take an agreed text to Rio.

During that final plenary, the US put on record their reservations with regard to the principles on the right to development, and on common but differentiated responsibilities for environmental degradation and corrective actions. Israel vehemently protested against the inclusion of responsibility for environmental degradation in occupied territories. However, in the face of support from other countries for the final draft, neither country blocked the final draft.

The final consensus was a package that all States could “live with”, and while there are many weaknesses, the Declaration did move the global debate on sustainable debate forward.

CHAPTER THREE

SOME KEY CONCEPTS FROM STOCKHOLM TO RIO

THE 1972 Stockholm Declaration, for the first time, linked environment and development, and put the issue on the global agenda. To a large extent, it provided the foundation and impetus for the development of domestic environmental laws in the South. Many countries enacted environmental legislation and established environment agencies/ministries as steps to implement their commitment expressed in the Declaration. The United Nations Environment Programme (UNEP) was the one of the international results.

The 1972 Declaration, *inter alia*, recognised the sovereign rights of States to control their own resources, prohibited the transboundary movement of environmentally unsound activities and called for the development of international law on liability and compensation for victims of pollution. In 1974, the United Nations Conference on Trade and Development (UNCTAD) and UNEP sponsored a meeting in Coccoyex, Mexico that further explored the development and environment nexus; another declaration was issued. However, the linkages with development were not acceptable to major industrialised Northern countries, especially the US, which then acted to pressure the UNEP secretariat to soft-pedal the development issue (Raghavan: 1992).

Concerned parties from the Coccoyex meeting then turned to the non-governmental Dag Hammarskjold project which brought together a large number of leading development economists of the

North and South, supported by some Northern governments of that time. The result was a 1975 report entitled “What Now: Another Development”, arguing that the mal-development of the North and the under-development of the South were essentially mirror images. An alternative ecologically sound development model was needed instead.

However, the NIEO years saw the South in pursuit of international economic restructuring, with little attention on the holistic view about environment and development. At the same time, the North reduced environment to pollution “clean-up” (Raghavan: 1992).

The accelerated loss of tropical rainforests, ozone depletion and global warming captured public and Northern governmental attention in the 1980s. The establishment of the World Commission on Environment and Development revived the North-South controversies about environment and development. The two were sought to be reconciled through the concept of “environment and sustainable development” in the 1987 Brundtland Report. Its definition of “sustainable development” as the meeting of the needs of the present generation without jeopardising the needs of future generations has since been extensively quoted. However, a restructuring of North-South economic relations and fundamental changes in Northern consumption patterns and lifestyles were not prescribed in the report. Instead of acknowledging the limits of technology, the report held technology as the solution to many environmental problems.

On the other hand, Maurice Strong, the UNCED Secretary-General, publicly repeated that the success of Rio was based on a radical change in economic thinking and public attitudes leading to changes in lifestyles and consumption patterns.

UNCED thus challenged the international community, especially the North, to review development policies at the domestic and international levels in the light of the growing environmental crisis which faces humanity, and as North-South disparities grew.

Accordingly, the Rio Declaration sought “to build upon” Stockholm, an approach taken by Southern countries. The G77 and China argued that the development aspects were a progressive movement forward from Stockholm. The North was concerned that some of the environmental principles that they strongly endorsed in Stockholm would be diluted in the process.

Of particular controversy were the right to development, including the impact of current inequitable economic conditions at the global level on the national situations of the South, and the call by the G77 and China for a recognition that industrialised countries should bear the main burden of protecting the global environment since they are the main causes of the environmental crisis. The United States, Japan and a few other industrialised countries initially refused to accept the principle of “common but differentiated responsibility” that was firmly pushed by the South.

The Southern view prevailed on the right to development and on differentiated responsibility, and these are embodied in Principles 3, 5 and 7. A much weaker and diluted draft of the consumption issue is found in Principle 8, where the South also had to concede further by including the population issue in the same principle.

Underlying the Declaration, Agenda 21 and UNCED as a whole was the concept of ‘sustainable development’. Used widely and freely, there is little or no agreement on its meaning. The Northern governments essentially understood the term to mean continuing the economic growth and status quo in their own societies, while accepting

more but slower growth for the South. A few of them accepted more development assistance to the South. All believe in technology for more efficient natural resource use and environmental protection. The South predominantly saw sustainable development as sustained high economic growth, with more attention to the environment. In particular, increased financial flows and technology transfer from the North, as well as increased Northern market access for Southern exports were crucial for sustainable development. For the poorer countries, especially the least developed countries, the urgency of basic survival overshadowed other priorities. Environmental protection for these countries required even more external assistance and structural changes in international relations.

For the majority of NGOs, especially from the South, the essentials included:

- holistic development approaches embracing economic, ecological, social, cultural and ethical dimensions;
- differentiation in determining the causes of, and solutions to, the environment-development crises;
- equity at the national level to meet the needs of the poor and underprivileged; inter-generational equity and equity among nations;
- the restructuring of international economic relations and institutions (the United Nations, Bretton Woods, GATT/WTO);
- the elimination of wasteful and unnecessary consumption and lifestyles;
- the promotion and dissemination of appropriate technologies, recognising the wealth of traditional technologies from the South;
- curbing and reducing the freedom of the monopoly market and transnational corporations (Khor: 1992).

The efforts (and lack of action) to implement Agenda 21 and the Rio Declaration, and the discussions at the annual sessions of the Commission on Sustainable Development⁵ since Rio reveal a continuing spectrum of different, even divergent, views. This is not surprising considering that any genuine shift towards sustainable development demands fundamental changes and the reduction of the privileges and power of the existing political and economic elites.

⁵ The Commission on Sustainable Development was specifically set up as a body under the UN Economic and Social Council (ECOSOC) to oversee the implementation of Agenda 21, the statement of principles on forests, and the Rio Declaration. It continues to attract active NGO participation, and plays an important role in integrating UN efforts in environment and development.

CHAPTER FOUR

TNCs: FROM REGULATION TO “PARTNERSHIP IN SUSTAINABLE DEVELOPMENT”

PERHAPS the most regressive outcome of UNCED was the failure to put in place international standards to regulate the power and activities of transnational corporations (TNCs).

According to 1991 United Nations estimates, TNC activities involve 25% of the world's productive assets, 70% of products in international trade, 80% of land cultivated for export crops and the major share of the industrial world's technological innovations. The combined assets of the top 300 corporations with headquarters in the Organisation for Economic Cooperation and Development (OECD) countries constitute the above 25% of the productive assets in the world.

The top 500 corporations control about 70% of world trade, 80% of foreign investment and 30% of world GDP (about US\$300 billion a year). These 500 companies now generate more than half the greenhouse emissions produced in the world. Dupont alone controls more than 25% of the world's output of chlorofluorocarbons (CFCs).

The 20 largest pesticide makers control 94% of the world's agro chemical sales, a few industrial chemical companies control the manufacture of almost all toxic materials while six control 54% of the world's aluminium smelting. Cargill alone accounts for 60% of the world trade in cereals, a few car companies determine how much oil and petrol is for transport, and half a dozen companies market nearly all primary products.

The former UN Centre on Transnational Corporations (UNCTC) reported that TNCs “control the economic and social performances of many countries, determine consumer tastes and patterns of consumption”.

In addition, TNCs are also notorious for transferring hazardous or obsolete technologies to the South. Thus, as the largest users of raw materials, prime producers of the goods that are harmful to the environment and human health, and purveyors of inappropriate and harmful technologies, TNCs are primarily responsible for the environmental destruction in the world today. Yet their environmental and health responsibilities are far from commensurate with their global economic outreach and profit.

Consumer, health and environmental movements and victimised local communities have been fighting in many countries against the illegal and unethical practices of corporations which harm the environment and human health. Research, alternative media, sharing of information among NGOs in different countries, consumer boycotts, litigation in courts of law, lobbying for better laws and policies at the national level to regulate corporations - these and more have been the activities of NGOs. But there has been no real control over them and from the 1980s onwards there has in fact been a reverse process taking place. The laws in many national legal frameworks are being weakened.

During the UNCED process we saw the effective dismantling of the only inter-governmental mechanism which was monitoring transnational corporations and their double standards in terms of products, technologies and general corporate behaviour: the UNCTC. This move also saw the demise of almost 15 years of work on the Code of Conduct on TNCs. This Code attempted to spell out the rights and duties of TNCs and the rights of States to regulate them.

Under the Code, developing countries had the right to regulate the entry, establishment and operation of TNCs, which had a duty to respect national sovereignty and the health and environmental rights of the public. In many respects, the Code itself was weak, given the strong resistance of the industrialised North, but even that was not acceptable by industry.

Under pressure from the United States, Japan and some other Northern governments it was shelved and the UNCTC itself was dissolved as part of the UN restructuring exercise in February 1992, just before PrepCom IV. This single action of the North speaks volumes on the power of TNCs to shape and determine Northern government positions in international negotiations. It renders Southern governments even more helpless in any attempt to regulate TNCs in their respective countries.

It is not accidental that at the same time the UNCTC and Code of Conduct disappeared, TNCs were literally writing new agreements for the Uruguay Round negotiations of the GATT which would entitle them to national treatment in host countries, unimpeded expansion in the services sector, and sweeping intellectual property rights protection in every country. The result was the dismantling of the rights of States in relation to TNCs.

Any reference to the monitoring and regulation of TNCs was conspicuously absent from the Rio Declaration drafts, although the UNCTC (at the request of ECOSOC) had carefully prepared draft principles in six areas:

- Overall responsibilities of TNCs for sustainable development
- Sustainable development management of TNCs
- Observance of environmental policies, instruments and guidelines by TNCs
- Prevention of environment harms by TNCs

- Transfer of environmentally sound technologies through TNCs
- Sustainable development accounting and reporting.

Similarly, a comprehensive set of recommendations was also prepared for Agenda 21. Again, the UNCED Secretariat did not include them in the drafts of Agenda 21. None of the UNCTC proposals were circulated to UNCED delegates although the document had been referred to PrepCom IV for consideration (Khor: 1992). The Rio Declaration is silent, while Agenda 21 has a chapter entitled “Strengthening the role of business and industry”.

The deliberate role of the UNCED Secretariat in promoting business enterprises as willing and able to self-regulate was blatant and gave rise to strong NGO criticism during PrepCom IV. At the beginning of the preparatory process, the idea of an “independent sector” was floated, as opposed to the governmental sector. NGOs, in particular, rejected this categorisation which would put the business sector and public interest/citizens’ organisations into one group. The notion that corporations were to be projected as “independent” also gave rise to severe criticisms. The Secretariat then proposed the term “major groups” which included women, farmers, indigenous people, NGOs, parliamentarians, business and industry. Since Agenda 21 seeks to strengthen the role of major groups in achieving sustainable development, the inclusion of corporations in this manner results in the strengthening of TNCs (including self-regulation) and the erosion of needed international monitoring and regulation of those entities.

The Secretariat’s active promotion of the Business Council for Sustainable Development, comprising big corporate representatives, and the Council’s voluntary Charter was a direct affront to the UNCTC work which had been conducted under an inter-governmental mandate. Efforts were also made to encourage the business sector in developing countries to set up national councils.

UNCED was thus a setback in this crucial area of a major obstacle to sustainable development, and instead, corporations are now promoted as “partners in sustainable development”. Those responsible for creating and promoting the consumer culture essentially continue to drive consumption at more and more unsustainable levels, at the same time threatening the environment and human health. As they become more integrated and more powerful, TNCs’ influence on government policies in the North and South also grows. Ford’s economy is bigger than that of Saudi Arabia or Norway. Philip Morris’ sales exceed New Zealand’s gross domestic product. At the same time, these TNCs promote self-regulation and many claim to be able to give us the solutions to live sustainably on the planet, often with more technological “miracles” or “green” advertising. Therefore, though TNCs are primarily responsible for the present ecological crisis, there are no international mechanisms for monitoring and regulating big business enterprises, and to ensure their accountability to legal standards and the public.

CHAPTER FIVE

THE RIO DECLARATION: NEGOTIATION BACKGROUND AND ASSESSMENT

THIS section is a description of the negotiations behind, and an assessment of, each principle in the Declaration⁶.

Title

The title “Rio Declaration on Environment and Development” reflects the consensus that States took this document beyond Stockholm by deepening the interface between environment and development, and the North-South dimensions of international relations. This was the title that Malaysia had proposed in PrepCom III to “aptly reflect the linkage between environment and development” in order to “move forward from the Stockholm Declaration adopted 20 years ago”. Canada, Japan, New Zealand and Russia had favoured the title “Earth Charter” which would be a short document.

Preamble

The preamble in an agreement sets the context for the operation of the substantive parts. Here, five short preambular paragraphs are included which stated that UNCED:

- met at Rio de Janeiro (para. 1);

⁶ The numbering of principles in the compilation text and the final Declaration are different as some of the principles were re-ordered, and others merged or dropped.

- reaffirmed the Stockholm Declaration, and sought to “build upon it” (para. 2);
- had the goal of establishing “a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors and people” (para. 3);
- worked towards “international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system” (para. 4);
- recognised “the integral and interdependent nature of the Earth, our home” (para. 5).

The contact group had left this part unresolved. There were general discussions but no actual negotiations on various versions submitted by the different country groupings, though many substantive proposals were incorporated into the set of principles. The G77 and China position was that a preamble was not a priority; it was more essential to reach an agreed formulation of the principles which would constitute the substance of the declaration. Since many Northern developed countries had made clear their preference for a short and “inspirational” document, there were fears amongst the South that this would not deal with the core issues necessary to make UNCED meaningful, particularly for the developing countries. Strategically, it was felt that if one began negotiations on the preamble, this would possibly take up the bulk of the group’s time, leaving the preamble alone to be the Rio document. The G77 and China managed to steer the negotiations straight to the principles section, after a few hours of general discussion on the various preambular texts.

The resulting preamble is thus the formulation of the PrepCom Chairman, after “corridor consultations” with key delegations. Para. 2, which reaffirms the Stockholm Declaration, states that the Rio Declaration seeks “to build upon” Stockholm, and this is the bridge to the present formulation of principles, especially Principle 2 on the “sovereign right of States to exploit their own resources

pursuant to their own environmental and developmental policies". It was very difficult to bring in the sovereignty issue because the Northern countries said it was already in Article 21 of the Stockholm Declaration, which would be downgraded by including the principle as modified here. The South maintained that they wanted to build on Stockholm. This was consistently the G77 and China position, i.e. that the development aspects were a progressive movement forward from Stockholm.

In place of the poetry and inspirational approach favoured by the developed countries, para. 3 was agreed upon. The explicit focus on a "new and equitable global partnership" is critical. Malaysia's initial intervention with regard to the principles to be considered for the charter/declaration stated that such a document must "recognise the current inequities which have disadvantaged developing countries ..." (PrepCom III, Geneva, 20 August 1991).

Para. 4 was a G77 and China formulation, acknowledging that work was going on to conclude "international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system". This again emphasises that international agreements must relate to environment and development. Since the Climate Change and Biodiversity Conventions were being negotiated in parallel processes, the term "international agreements" was in one sense an acknowledgement of the current state of affairs where linkages between conservation/environmental protection and development/economics were being thrashed out.

There are many areas at the global level where international consensus and agreement is essential. To date, the initiation of, and agenda for, the negotiation of international instruments (legally binding or otherwise) has largely been determined by the developed countries of the North, whether in economic matters (GATT and UNCTAD),

political affairs (Security Council) or conservation/ environmental issues.

In contrast, by taking a pro-active stance in the negotiations of the Climate Change and Biodiversity conventions and the forest principles in UNCED, the South had succeeded in broadening the scope of discussions, putting on the table the major concerns of the developing world. On a number of occasions the South put forward counter obligations which the North must undertake. In almost every case, the developed countries have resisted, reflecting their reluctance to accept an international framework of equitable burden-sharing.

There are certainly many areas on environment and development where it would be in the interest of the developing countries to advocate international agreements. An example widely accepted was the Basel Convention prohibiting or restricting the trade in various categories of hazardous wastes, and possible future agreements prohibiting the export of banned or restricted use of toxic chemicals. The critical issue is that such agreements are negotiated and concluded in a fair, equitable and transparent manner.

Pressures from unilateral trade measures also made the South realise that it was important for them to insist on universal consensus for actions of an environmental nature which may have adverse effects on trade and other economic activities.

However, the preamble fails to address the root cause of the environmental crisis and pervasive poverty in the South -- i.e. the development paradigm based on the North's economic model. It was clear that the North did not want to make fundamental changes to their economic development model, and accordingly, the South maintained the same goal, with both sides accepting the environment rhetoric. Thus while it was significant that there was unprecedented

international debate on unsustainable consumption and production, and constant reiteration of the need to integrate environment and development, the end result was not a clear call for a fundamental shift towards environmentally sound principles of economic development.

PRINCIPLE 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

The G77 and China formulation stated that “Human beings are at the centre of environmental and developmental concerns ...” This was to emphasise that ensuring the well-being of people is fundamental in any country, and the protection of the environment must be consistent with meeting the needs of human beings. It was argued that this is not contradictory to environmental concerns because a healthy environment is necessary to ensure the well-being of people.

Russia and the Holy See supported this principle. However, there was a great deal of resistance from a large number of developed countries: Australia, Austria, Canada, the European Community, Japan, New Zealand and the US wanted it deleted and be placed instead in the preamble. They argued that such a formulation puts the environment secondary to exploitation of natural resources by human beings, and does not sufficiently reflect the importance of the environment as a value to be protected in itself. A number of delegations stressed the need to recognise the integrity of nature. The G77 and China emphasised that environmental concerns were not just about the preservation of specific species or model ecosystems. It was in fact about the relationship among human beings, between humankind and nature, and between nations and peoples at the global level.

The formulation which was finally proposed by the Chairman, and accepted at the Rio Summit uses the term “sustainable development” instead of “environmental and developmental concerns”. The UNCED process itself has not provided a definitive meaning for “sustainable development” but an often-quoted definition comes from the report of the UN Commission on Environment and Development or Brundtland Report 1987:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

PRINCIPLE 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

The North was not in favour of bringing in the sovereignty issue, but the G77 and China succeeded in including this. Many Northern delegations were concerned that the responsibility of states towards the environment would be diluted if developmental policies were included. The South argued that their proposal was building upon the Stockholm Declaration.

PRINCIPLE 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

The right to development is a principle which the South regarded as among the most basic principles for the Declaration. The developed countries fought very hard against the inclusion of the right to development until the absolute end in the PrepCom IV negotiations. The South remained firm and this led to one of the most intellectually stimulating discussions on development during the negotiations.

The G77 and China had proposed the following:

“The inalienable right of States and people to development must be fulfilled in order to meet the environmental needs of present and future generations. Equity within the present generation shall take into account environmental damage caused in the past, as well as the developmental and environmental needs of present and future generations.”

Russia was supportive of the first sentence, but wanted to delete the second. All the Northern industrialised countries asked for a deletion of the entire principle. Various alternatives were put on the table, covering a wide range of concerns contained in the G77 proposal but without acknowledgement of the right to development.

The Netherlands, speaking on behalf of the EU, said that development cannot be unlimited and that the complex relationship between development and the capacity of the earth was important. A right to development would thus be unacceptable. The EU then proposed the following: “Human beings are entitled to the benefits of full sustainable development.”

In response, the G77 spokesman said that no government can deny that it has commitments to both the international community and its own people. If one talks about limits to growth and looks at how much is being consumed in the US, and how through television

people everywhere have the same aspirations, how does one tell poor people in the developing countries that their right to development is to be curtailed? For millions of people in the South, their basic needs were still unmet, survival was at stake and this necessarily requires development to take place. The G77 was willing to amend the formulation but made persuasive arguments for the right to development to be made explicit.

At this point, the Nordic countries agreed that this principle was at the heart of the Declaration discussions, even of the whole Conference. The EU spokesman, following a long exchange with the G77, said that he quite understood the G77 and proceeded to pose two questions: How were available resources to be equitably shared? Secondly, how can development be limited? Development for survival was one question, while the limits to the environment (e.g. how much of the pollutants could be absorbed) was another.

It was during one of the many late night sessions that this point of the discussions was reached: the North was clearly fearful that they may not have a share of the world's resources that could maintain their standard of living. The South was equally clear that the North had already exploited and consumed their disproportionate share, while millions in the South still lived in absolute poverty. For them, the right to development was basic.

The acceptance of the final formulation marked the first time that the principle of the right to development was universally accepted.

PRINCIPLE 4

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

This was essentially from GA Resolution 44/228. The last phrase “cannot be considered in isolation from it” was resisted by the North on the ground that environmental concerns will be made subject to developmental priorities. The G77 and China position was that in taking steps to protect the environment, the development issue had to be considered at the same time.

Alternative language from the various Northern groups centred around the integration of environment and development. Since the G77 proposal was in essence the same, the objection of the North was not sustained.

PRINCIPLE 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Principle 5 originally stated that the special needs and situation of developing countries, their right to achieve their full economic potential and the eradication of poverty shall be fully taken into account in any international action on environment and development. Canada, Japan, Russia and the US wanted this to be deleted. Some of them argued that it was not global enough. The East European States and Russia wanted to include the economies in transition. The US proposed that States should consider the special situation and needs of developing countries in achieving sustainable development and technological and financial assistance should be provided by States with adequate means, as may be appropriate. The EC put forward a different principle covering the combating of poverty, elimination or avoidance of unsustainable production and consumption

patterns, and the formulation of population policies compatible with sustainable development.

Interestingly, Japan proposed that official development assistance and direct foreign investment should consider such matters as conservation of the environment of the area and the welfare of the indigenous people living there. Observers said that this could be prompted by worldwide criticism of Japanese logging companies operating in Sarawak, Malaysia during the UNCED negotiations.

The reservations of many Northern delegations were largely due to the extremely difficult parallel negotiations on new and additional funding for implementing Agenda 21. Any indication in the proposed Declaration principles that the North may be held to commit financial resources would be objected to.

The original Principle 6 proposed by the G77 and China also dealt with the eradication of poverty through global cooperation. The North requested that this be deleted. This was then incorporated into Principle 5 as finally accepted.

The final agreed text captures the essence of North-South cooperation without commitment to financial support or technology transfer, the pillars of the G77 in global negotiations.

PRINCIPLE 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

When many Northern delegations had wanted this deleted (originally Principle 5), the G77 and China requested that the special situation and needs of developing countries be inserted into specific principles where relevant. As a result, many of the same Northern delegations subsequently suggested that a general principle be formulated. Russia suggested that the principle should refer to the "special concerns of countries in need" while recognising the special needs of the least developed countries.

Some developing countries felt that with such a formulation which refers to "all countries in need", given the current world situation (Russia, East Europe, etc), developing countries would end up at the bottom of the list, especially with regard to financial assistance and technology transfer on favourable terms. Then the long-cherished concept of "the special situation and needs of developing countries" would be rendered meaningless. It would be better not to include that principle in the Declaration than to set the precedent for a diluted concept. Others felt strongly that it was a fundamental principle that had to be included in whatever form.

The final text was the Chairman's formulation. The EC was against the phrase "shall be given special priority" but all sides ultimately accepted the compromise.

PRINCIPLE 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

This is one of the key principles as it lays down the basis for the equitable sharing of responsibilities. The G77 and China had earlier proposed a draft which was much stronger, highlighting and advocating the concept of historical culpability and the environmental impact of unsustainable consumption. Following from this, a call was made for the provision of adequate, new and additional financial resources and environmentally sound technologies on preferential and concessional terms by developed countries to enable developing countries to achieve sustainable development.

This much-stronger and explicit formulation was deliberately left unnegotiated in the informal consultations, as the G77 realised that it was unacceptable to the developed countries. There was a hope that it would be left for the Rio Summit itself. However, the PrepCom Chairman was insistent that a complete text be ready for the Summit. A text was formulated by him, based on the various proposals and this was the hardest point of negotiation in the final small group “closed door” negotiations, taking 4 to 5 hours. Developing countries argued that this principle was based on the language of GA Resolution 44/228, which had already been accepted by all States.

The final version incorporates the notion of “common but differentiated responsibility”, but is silent on the North’s unsustainable production and consumption patterns (this was shifted to become Principle 8 in a drastically diluted form) and on their historical responsibility for the current environmental crisis. General language is used but it is still significant that the third sentence states that “The developed countries acknowledge the responsibility that they bear in the pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.”

PRINCIPLE 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

In the early stages of the negotiations, the developed countries of the North (especially the US and the European Community) objected to the highlighting of their unsustainable patterns of production and consumption as the main causes of environmental degradation.

The Bush Administration was particularly vehement in their protest against the inclusion of consumption patterns and lifestyles in the Rio Declaration and Agenda 21. Their assertion that “the American way of life is not up for negotiation” became one of the most well-known quotes of UNCED. While the US maintained that consumption was a “matter of personal choice and freedom” they (with other Northern countries) strongly pressured the South to impose national policies to reduce population, although it is undeniable that more than 70% of the world’s resources are consumed by industrialised countries. This was widely criticised by NGOs and a number of Southern delegations. After protracted negotiations, the North agreed to address this issue on the condition that the population issue is included in the same principle. They pressed to put population growth as an equal cause of environmental degradation. For instance, the US proposed the following:

“States and people should ask to eliminate or reduce unsustainable patterns of production and consumption, and to slow rapid population growth.”

Developing countries objected, arguing that the two cannot be equated, especially when 20% of the world’s population (in developed

countries) consume 75% of the world's resources. To put the blame on population, the majority of whom are in the developing countries, would once again shift the major responsibility away from where it should rightly fall, i.e. in the developed countries.

The G77 and China then agreed that if the developed countries are insistent on including a principle relating to population, a comprehensive approach was required, taking into account patterns of spatial distribution and migration of people in addition to birth rates. A separate principle should deal with the issue of consumption and production patterns. After intense discussion among the contact group negotiators from the G77 and China, the following formulation was agreed upon and proposed to the whole group:

“In the pursuit of sustainable development and a higher quality of life for all people, it is important to address in an integrated manner the issue of population policies and migration as a constituent element of socio-economic development, involving public health, shelter, education and public participation, while safeguarding cultural diversity, environmental values and basic human rights.”

The thrust of the proposed principle is that one cannot look at the issue in terms of numbers only. Demographic factors must be taken in totality, and it is only through ensuring socio-economic security (health, education, etc.) that families are able to plan the number of children they would like to have. Migration from rural to urban areas was also put forward as an important factor because there are many cases where cities are overcrowded but the countryside is underpopulated.

The G77 and China formulation on the population issue was finally not accepted. The compromise was the term “promote appropriate demographic policies”. The developed countries wanted the words “reduce or eliminate unsustainable patterns of production and

consumption” but the South insisted on the word “and” which imposes a far-stronger obligation on them.

There is a growing realisation that our lifestyle and consumption levels have a direct bearing on the environment. Intergovernmental fora increasingly acknowledge that 20% of the world’s population, who live in the industrialised countries, consume about 80% of the world’s resources and that this is both inequitable and unsustainable. Many newly industrialising countries of the South which are becoming relatively affluent are also fast moving into high levels of consumption among certain sectors of the population.

Since most of the world’s natural resources are limited, we have to seriously examine our consumption patterns. Green consumerism has swept the world, and many of us are eager to look for environmentally friendly products. While it is true that many products can be made in a manner which is less damaging to the environment, it remains that more and more natural resources still need to be exploited to feed increasing demands. The advertising industry, which is integral to the concept of ever-increasing economic growth, sends out a clear message: consume more. We must therefore re-orientate our approach to consumption if we are serious about living in harmony with the environment.

Although UNCED should have resulted in every State adopting actions to reduce and eliminate unsustainable production and consumption patterns, with the North bearing their proportionate responsibility, an analysis of the negotiations and text of Principle 8 and the relevant chapter in Agenda 21 shows that the burden of adjustment is directed more at the developing countries. Yet, it should be industrialised countries, which are the main cause of the environmental crisis, which should accordingly bear the proportionate responsibility and burden.

The heated debates on consumption patterns were the first of their kind at the inter-governmental level, but the final product in Principle 8 is weak. Since UNCED, the Nordic countries and the Netherlands have taken some initiatives to implement the relevant Agenda 21 chapter, but the other Northern countries have shown a distinct lack of interest. The more progressive environment ministries of the Nordic countries themselves face obstacles from the trade and finance ministries. Our fear is that there will not be any fundamental changes in economic models which have proven to be environmentally disastrous. Further, if the rich countries do not seriously commit themselves to an agenda of change, developing countries will justifiably feel victimised, and this may strengthen the accusation that environment is but a tool of the rich to keep the poor countries in a disadvantaged position. In this deadlock, the environment and humanity will continue to pay the price.

PRINCIPLE 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

Endogenous capacity is a very important issue for the South. It was totally rejected by the developed countries at first.

The resistance by some countries was the avoidance of any implication that they may be committed to transfer technology on preferential or concessional terms. Since most technologies, especially the new and innovative ones, are in the hands of private industry, even non-legally binding declarations would be avoided, if possible. Some other countries felt that the declaration should not deal with technological

issues, and that it was already covered by Agenda 21. The South, however, felt that it was a crucial principle for inclusion. Japan finally co-sponsored a formulation with the G77 and China, and this was accepted.

PRINCIPLE 10

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

This was essentially a combination of the formulations of the G77 and China and the EC. The US was very expansive on this issue, listing a number of specific rights reflective of their domestic situation. The EC and Nordic countries also proposed language that spelled rights to information, participation in decision-making processes and access to judicial and administrative proceedings.

The G77 and China had many members that were uncomfortable with the rights language. The result is thus one of qualifications: participation is “at the relevant level”; individuals shall have “appropriate access to information”. However, it was the US that requested that access to information be limited to those held by “national authorities”, thus not ensuring that citizens can have access to information held by industry.

PRINCIPLE 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

This was originally Principle 13 proposed by the G77 and China. Northern countries were generally not in favour.

The question of standards is a dilemma. On the one hand, NGOs and some governments have been highly critical of the practice of double standards by TNCs in the areas of environmental quality, human health and labour conditions, and where hazardous products and industries that are banned or subject to stringent control in the North are relocated to the South. On the other hand, the South, which is in the same treadmill of industrial development, is often forced to minimise production costs and maximise foreign investment incentives. This leads to compromises on environmental and health standards and priorities. As trade competition increases between the industrialised North and some newly industrialised Southern countries, there are legitimate fears that environmental and labour imperatives will be abused by the North to maintain their trading advantage. This was proven true during the post-UNCED discussions in the World Trade Organisation on trade and environment, as well as trade and labour standards which are ongoing.

The final text is positive in that it calls for States to enact effective environmental legislation. While it takes into account legitimate concerns of the South, read with Principles 14 and 15, it also addresses the negative impacts of double standards in environmental and health protection.

PRINCIPLE 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

This principle was the subject of long negotiations, with the South deeply concerned about the sceptre of unilateral trade measures imposed by the US, and tropical timber producer countries in particular were threatened by import restrictions in Europe. The fear that environmental considerations may be used as a new form of conditionality to restrict trade was in the forefront of Southern negotiators' concern.

This principle is a good reflection of the contradictions between sustainable development (itself a concept subject to various and even conflicting interpretations) and conventional economic growth and increased trade.

Yet, it is also a true reflection of the realities of current international trading relations. The frequent threat and/or use of unilateral trade sanctions by the United States in the final years leading to the conclusion of the GATT/Uruguay Round talks (concurrently with the UNCED negotiations) raised widespread fears among Southern countries, and even some in the North. The move by the Austrian Parliament to restrict tropical timber imports (subsequently

withdrawn following protests by the Malaysian government) and the Dutch policy of importation of “sustainably produced” timber within a few years also raised the alarm of timber-exporting countries.

Thus it was not surprising that this principle was subject to extensive debate, first in the open contact group and then in the final negotiations. The G77 and China resorted to the agreed principles on environment and trade that came out of UNCTAD VIII at Cartagena. The US made assurances that environmental measures would not be used as a means of trade protectionism.

The final formulation is a streamlined text, but it covers a major concern of the South, i.e. unilateral actions in developed countries on the basis of environmental concern over environmental issues in developing countries.

However, the broader complexities in the trade and environment linkage need to be resolved, not only within the UNCED follow-up but equally important, in the trade fora.

It should be noted that Argentina was insistent that a principle be included on trade in agricultural products, in light of the highly subsidised agricultural production in the EC and the US which distorts the market and is detrimental to the environment. But this was not negotiated, and eventually the proposal was dropped (see Principle 16 in the compilation text).

PRINCIPLE 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental

damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

This principle reinforces the Stockholm Declaration. Cases including acid rain, water pollution of rivers which flow through more than one State and oil spills would fall within this principle. However, the laws on liability and compensation have not evolved much since Stockholm, hence the stronger call in the Rio Declaration. It should be noted that the negotiations under the Basel Convention on liability are also not making much headway, largely due to the reluctance of industrialised countries which are the biggest generators of hazardous wastes.

The issue of liability and compensation is one where developed countries are reluctant to support. Australia, Canada, the EC and the US did not want this principle as proposed by the G77 and China to be included. The latter argued that 20 years after Stockholm, which first stated the principle of liability and compensation for environmental damage, there has been no move in the creation of law in this area. The first sentence in Principle 13 relating to national law was not in the Stockholm Declaration, and this was an addition made by the G77 and China. India was keen on this because in the post-Bhopal period the lack of appropriate national legislation made it difficult for them to attach liability on Union Carbide. In that tragedy where thousands died and huge numbers were injured, the company refused to disclose the components of the gas when the leak took place on the ground of trade secret, and local doctors then could not prescribe any treatment in the immediate aftermath of the incident.

The G77 and China also wanted to extend the damage beyond environmental damage to human and economic damage. This was predominantly due to the experience of massive destruction caused in the Gulf War when US troops invaded Iraq. Such damage undermined sustainable development, it was argued. Not surprisingly, this was

resisted by developed countries and it was agreed that the words “adverse effects of environmental damage” be used instead. This can still be interpreted to include more than environmental damage itself.

The call for States to cooperate in a “more determined manner” to develop further international law on this subject was the PrepCom Chairman’s text.

The increasing realisation that environmental planning is an essential component in the formulation of development policies and in project planning has resulted in various laws and standards at the domestic level. Imposing liability on offenders who pollute the environment and ensuring compensation for victims of environmental damage are also critical aspects in the management of natural resources and the environment. The “polluter pays” approach incorporated in Principle 16 is a small step forward. In this respect, questions relating to *locus standi* (standing to take legal action), burden of proof, limitation periods and effective remedies have to be fundamentally reviewed to ensure that victims of environmental damage can have effective remedies and redress.

At the same time, the transboundary nature of almost all environmental problems also demands that regional and international rules and standards be evolved which can effectively and equitably apportion responsibility among states. However, there is little sign of progress in this area.

PRINCIPLE 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

This is an important principle upon which international laws to regulate “double standards” practices of corporations can be formulated. It should also lead to national laws which prohibit the export of banned products to other countries.

The relocation of hazardous and toxic substances, products, industries/technologies and wastes was of major concern at UNCED. In addition to negotiations to include a principle on this matter in the Rio Declaration, efforts were also made to deal with this in Agenda 21. However, the move by some countries led by Malaysia to include in Agenda 21 a ban on the export of nuclear wastes was refused by a few powerful countries. Yet another call for a binding legal instrument to prevent illegal international traffic in toxic and hazardous products was rejected, particularly by the US.

The “polluter pays” principle and environmental impact assessment as a national instrument are also included in Principles 16 and 17 respectively. These are important to enforce Principle 14.

The developed countries were not in favour of this principle because double standards have been a constant practice of their transnational corporations (TNCs). The US in the contact group even said that sovereignty must be respected, i.e. if a country chooses to have lower standards it is their right to do so! But if TNCs have the capacity and technology to safeguard the environment and public health they should apply the same standards wherever they operate. It is well known that relocation of activities takes place to *inter alia* cut costs of production (including environmental costs).

The G77 and China had originally proposed two strongly worded principles:

“As the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in

developed countries they shall be responsible for combating such pollution and ensuring that toxic and hazardous wastes, including dangerous genetically modified organisms and radioactive waste, are disposed of in the proximity of their production" (Principle 10, compilation text);

"Measures taken in a specific country to reduce or control activities and projects harmful to the environment shall not lead to the displacement and transfer of these activities or projects to another country" (Principle 15, compilation text).

Malaysia had voiced its concern in PrepCom III:

" ... given the important role of industry, especially transnational corporations, there ought to be measures to ensure that transnational corporations operating in developing countries carry out their special responsibility for environmental protection and sustainable development" (Geneva, August 1991).

The original formulations were stronger, and covered a broad range of hazardous wastes, including genetically modified organisms (GMOs) and radioactive wastes. There is now no mention of wastes, but we could interpret "substances" to include wastes. The clear call for developed countries to deal with their wastes at home was also lost. In fact the North wanted both the proposed principles deleted. After extensive negotiations, the present Principle 14 was agreed upon.

This is a crucial principle. For example, over the last few years, there has been rapid expansion of agricultural chemical production in the Asia Pacific region. Developing countries are therefore going into the big business of chemical export. This means, effectively, an endorsement of chemical use and the introduction of potentially hazardous industries into the region. This shift in foreign investment

must be monitored in the light of more and more stringent control and regulation of chemical industries in the industrialised countries. While the South has had to grapple with the dumping of toxic products and wastes, we are now vulnerable to the dumping of hazardous industries and technologies. The former UN Centre on Transnational Corporations released a survey report in 1991 which revealed that the bulk of technologies which exist in industrialised countries are hazardous in nature. It follows that the bulk of technology transferred to developing countries is also hazardous to the environment and human health.

This fear is reinforced by the infamous World Bank incident which created an international scandal. An internal Bank memorandum written by Larry Summers, then Chief Economic Adviser and one of the Vice Presidents of the Bank, argued that the Bank should finance the relocation of polluting industries to the less developed countries. This was considered to be cost-effective; the countries were so poor that any economic benefit would be positive; and finally, pollution levels in those countries were still low so that the incremental pollution would not be so bad! Summers is now a senior official in the Clinton Administration.

Foreign investors should thus be subject to a regulatory system which closely scrutinises them to avoid double standard practices. Waste treatment technologies, for example, are costly in many industrialised countries, and this was a major reason for the export of hazardous wastes to developing countries in the 1980s. The Basel Convention on the transboundary movement of hazardous substances was concluded in the late 1980s, and came into force with the requisite number of signatories in May 1992. This convention requires waste reduction at source as a primary obligation of signatory states. Importing countries must possess the appropriate technology while prior informed consent must be given by such countries. International negotiations to spell out the details of the prior informed consent

procedures are moving very slowly at the moment. Observers view this as extreme reluctance by certain developed countries to impose regulation over the export of hazardous substances to developing countries.

In 1994 the Parties to the Basel Convention, with a strong push from Southern countries, amended the relevant provisions to close the loophole that allowed the export of hazardous wastes in the name of recycling. A ban on all exports from the OECD was agreed upon, in the face of strong objections from the US.

PRINCIPLE 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

The precautionary principle was accepted in the negotiations of the Agenda 21 chapter on the Environmentally Sound Management of Toxic Chemicals by the time the group on the Declaration started their discussions. With the global warming and ozone depletion crises as the context for the UNCED negotiations, there was pressure for States to adopt this principle, even though there were some reluctant ones.

The concern of most environmental legislation has been predominantly the setting of “acceptable” standards of pollution for agricultural effluents, sewage and industrial waste, as well as air pollutants.

While this concept of control of pollution continues to operate, prevention is increasingly important as we have more and more evidence that much of the environmental damage which occurs today is irreversible.

The Nordic countries and the US wanted to include preventive approaches/measures but this was not supported by the others.

PRINCIPLE 16

National authorities should endeavour to promote the internalisation of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

Northern countries favoured market mechanisms as a major tool for environmental management whereby environmental costs are internalised in the pricing of goods and services. As part of this, the “polluter pays” principle should be included. The G77 and China were wary, arguing that there was no international consensus on this principle. UNCTAD VIII had discussed economic tools which can be used to integrate environment and development, and this needed to be examined. Again, they were concerned that this could turn out to be another burden on developing countries. Thus they proposed a text that qualified the internalisation of environmental costs to ensure that the process would be nationally controlled, not hamper economic growth of developing countries or jeopardise their competitive position in the international market. Germany and the US were frustrated by the watering down of the “polluter pays” principle. New Zealand and Russia felt that the principle could be absorbed elsewhere and not necessarily stand on its own. Finally, a compromise was reached.

The debates on this principle again reflected the complexities of trade competition and distortion which require the environment-trade nexus to be resolved.

PRINCIPLE 17

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Tools such as environmental impact assessments (EIAs) are becoming a feature in many countries as a prerequisite to project approval. There is a growing debate on the importance, too, of examining the environmental impact of policies as opposed to individual projects. For instance, an agriculture policy which uses high energy and chemical input needs to be assessed in a way which takes into account long-term effects of such practices. Knowledge of the adverse impacts of clearance of hill forests may be the basis of a water-catchment protection policy which totally prohibits any logging or hill development.

Post-project monitoring is another dimension which should be included in the EIA process. The experience in many countries confirms the need for this. It is only through post-project audit that we can assess the criteria currently applied by an environment agency. Such a procedure also ensures compliance with the conditions attached to an EIA approval. There are already many cases where non-compliance has led to serious environmental damage, and the parties concerned have acted with impunity.

This principle was strongly advocated by the North, and supported by the South.

PRINCIPLE 18

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful

effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

PRINCIPLE 19

States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Both Principles 18 and 19 were accepted with considerably less debate, as the essence of the principles is already found in the Stockholm Declaration.

PRINCIPLE 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

PRINCIPLE 21

The creativity, ideals and courage of the youth of the world should be mobilised to forge a global partnership in order to achieve sustainable development and ensure a better future for all.

PRINCIPLE 22

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

UNCED introduced the concept of “major groups” to cover all sectors of civil society as partners in sustainable development with official players in government. Separate chapters in Agenda 21 are dedicated to the role of each major group, including industry. The three most visible and active lobby groups, in addition to NGOs, were women, youth and indigenous peoples’ groups. This was largely the reason for the specific inclusion of these three principles.

Discussions were most extensive over Principle 22. A number of countries objected to the term “indigenous peoples” with its connotation of self-determination. The singular is unfortunately a step back from existing UN instruments dealing with indigenous peoples’ issues. China was insistent that local communities be included, because there were large numbers of such communities in their country who are not indigenous people but whose knowledge and traditions should be recognised.

The underlying strain in these negotiations was largely due to domestic policies of certain countries that did not recognise indigenous peoples’ rights or where conflicts exist within the country between indigenous peoples and the State. Reservations were expressed from both Northern and Southern countries. However, the international climate was such that to object too vehemently would isolate the countries concerned.

PRINCIPLE 23

The environment and natural resources of people under oppression, domination and occupation shall be protected.

The original G77 and China proposal read as follows:

“Policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign

domination stand condemned and must be eliminated. The environment and natural resources of people under such oppression, domination and occupation shall be protected.”

Australia, Canada, the European Community, New Zealand and the USA wanted to delete the entire principle. Japan proposed that the word “shall” be replaced with “should”, thereby making it voluntary and not obligatory. It was clear that objections were based on Israel’s rejection of references to their occupation of Palestinian territory. The final agreement was to delete the first sentence, maintaining the second. During the final plenary of PrepCom IV, the Israeli delegation heatedly condemned the inclusion of this principle, and made a vehement statement calling this a “political virus polluting the UNCED”. They wanted to put the entire draft Declaration into brackets. The Chairman, Tommy Koh, rejected this, and everyone else agreed to support the taking of one clean text to Rio for final negotiations and adoption.

PRINCIPLE 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

This is completely different from the original G77 and China proposal, which was to make means and methods of warfare which cause mass destruction a crime against humanity and the environment.

Again, the original G77 and China proposal was very strongly worded:

“Employing methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to

the natural environment shall be treated as a war crime. States must strive to reach prompt agreement on the complete elimination and destruction of weapons of mass destruction. The use of such weapons is a crime against humanity and the environment.”

This proposal was largely motivated by the recent Gulf War where US troops had invaded Iraq and the forthcoming negotiations on the future of the treaty on non-proliferation of nuclear weapons as well as a treaty on a comprehensive test ban on nuclear weapons.

The Nordic states were willing to accept the formulation, but wanted to delete the last sentence. Japan asked for the word “shall” to be replaced by “should”. However, Australia, Canada, the European Community, New Zealand and the US objected to the entire formulation. The G77/China insisted on a retention of a principle that would address the destruction caused by warfare. The final compromise was thus a much weakened and general statement that “Warfare is inherently destructive of sustainable development”, an assertion that is self-evident.

PRINCIPLE 25

Peace, development and environmental protection are interdependent and indivisible.

This was the result of a merging of various countries’ proposals. The G77 and China had included a second part on disparities between rich and poor nations but this was merged with Principle 5. The G77 and China wanted to include the word “peace” on the basis that developed countries should work towards peace and security for development and environmental protection, reviving the peace dividend argument. In the final “tidying up”, the Chairman retained this sentence.

PRINCIPLE 26

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

This is included as normal UN practice.

PRINCIPLE 27

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

It is not clear what “international law in the field of sustainable development” means, and negotiators did not get to discuss this further as the negotiations had come to an end, and there were no objections raised.

CHAPTER SIX

CONCLUSION

ANY global attempt to resolve the environmental crisis must first identify the fundamental causes of that crisis. We believe that economic and production models which presently exploit and deplete nature, and are hazardous to the environment and human health, together with unsustainable consumption levels of the populations of industrialised countries and the minority of the developing world are at the root of environmental problems.

At the same time, highly inequitable international trading conditions, the massive external debt of developing countries and the repatriation of huge profits by foreign investors are among the major factors which result in a net flow of resources from the South to the North. An equitable North-South relationship, and a reconceptualisation of development rooted in ecological principles, is the challenge for future environmental laws and policies.

The UNCED negotiations managed to raise some of these fundamental issues, but it was obvious that when developing countries of the South called for commitments from the industrialised world, little was forthcoming. There is still a perpetuation of the economic-growth-led development model, and the notion that technology will solve most of the world's problems.

Because of the close link between the TNCs and their supporting governments, and the common economic and financial interest of the TNCs and their elites, every international effort at creating obligatory international mechanisms to control the activities of TNCs has been frustrated. The dissolution of the UNCTC and the rejection by the North of demands by the developing countries for changes in unsustainable patterns of consumption and lifestyle of the North⁷, prohibition of transfer of toxic substances, projects and waste to the South, and for States to be held responsible for environmental damage caused by weapons of mass destruction have been made in the interest of the TNCs.

The various attitudes of States, reflected in the reluctance to fundamentally change the status quo and the protection of powerful interests which are presently benefiting from the exploitation of the earth's resources, could reduce the efforts of UNCED into an event of historical interest only. Yet it cannot be denied that the almost three years of negotiations witnessed an unprecedented debate on sustainable development. The Rio Declaration negotiations were intellectually the most exciting. According to the PrepCom Chairman, the document was the result of "tremendous hard work and mutual accommodation ... symbolising partnership, cooperation and a desire for Rio to be a success".

⁷ At the 2002 World Summit on Sustainable Development (Rio+10) it was agreed that a 10-year Framework on Sustainable Production and Consumption would be developed by the Commission on Sustainable Development and adopted in 2011. After years of work the Framework failed to be adopted when the 19th session of the Commission ended in May 2011 without an agreed outcome.

Annex

RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 3 to 14 June 1992, Reaffirming the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home,

Proclaims that:

PRINCIPLE 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

PRINCIPLE 2

States have, in accordance with the Charter of the United Nations

and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

PRINCIPLE 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

PRINCIPLE 4

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

PRINCIPLE 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

PRINCIPLE 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

PRINCIPLE 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

PRINCIPLE 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

PRINCIPLE 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

PRINCIPLE 10

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States

shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

PRINCIPLE 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

PRINCIPLE 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

PRINCIPLE 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage.

States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

PRINCIPLE 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

PRINCIPLE 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

PRINCIPLE 16

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

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THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT: AN ASSESSMENT

IN 1992 the historic UN Conference on Environment and Development (UNCED, popularly known as the Earth Summit) held in Rio de Janeiro, Brazil witnessed unprecedented political will and commitment among governments to make a paradigm shift to sustainable development. Acknowledging the twin crises of poverty and the environment UNCED concluded that the prevailing economic model was unsustainable. The Rio Declaration on Environment and Development that emerged from intense discussion, debate and negotiations was thus the framework of principles adopted by Heads of States and Governments for that paradigm shift.

Almost 20 years later, as governments, civil society organisations and international institutions prepare for the UN Conference on Sustainable Development in June 2012 to be held again in Rio, there is growing questioning by the North, and even rejection by some governments of the North, of some of the most fundamental of the Rio Principles. The spirit of Rio 1992 was generally one of multilateralism, cooperation and solidarity based on the fundamental principle of common but differentiated responsibilities even though the North had shown reluctance in crucial issues such as reforms in global economic systems and taking the lead in changing consumption and production patterns. Today, that spirit is ebbing as competition and inequities dominate international relations. The objective of Rio+20 is “to secure renewed political commitment for sustainable development”. We hope that this booklet that provides a summary of the negotiation history of the Rio Declaration can contribute to that objective.

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